

Applicant : Arkady Pittel
Serial No. : 09/991,539
Filed : November 21, 2001
Page : 7 of 10

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Attorney's Docket No.: 19965-007001

AUG 02 2006

REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
I. Claims 1-26, drawn to on-line handwriting recognition, classified in class 382, subclass 187.

4. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification/search during a telephone conversation with David L. Feigenbaum (Reg. No. 30,378) on May 12, 2006 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-26. Affirmation of this election must be made by applicant in replying to this Office action.

The applicant affirms the election made to prosecute the invention of Group I, claims 1-26. The applicant respectfully reserves the right to prosecute withdrawn claims 27-41 in a continuing or divisional application.

The applicant notes, however, that claims 1-26 are not drawn only to "on-line handwriting recognition." In claim 1, for example, the "handwriting and control information" is derived in the apparatus, not on-line.

Claim 24 is objected to because of the following informalities: claim 24, recites the limitation "video-capable camera". What does this mean? Does this mean it operates sometimes as a video camera and other times as a generic camera? Appropriate correction is required.

Claim 24 has been amended

Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 20 recites the limitation "the portable electronic device includes a digital signal processing chip and a general purpose microprocessor and the software is run in part on the chip and in part on the microprocessor". Only a cursory of these features are mentioned on page 2, line 25 - page 3, line 1 of the specification. How does the software is run in part on the chip and in part on the microprocessor?

The applicant respectfully disagrees. An example in the specification explains that: Processor 102 does housekeeping, including managing the control buttons 104 and LCD display 106, while the DSP 108 processes audio, video and wireless communication algorithms. The imaging software 110 reads data from the sensor

Applicant : Arkady Pittel
Serial No. : 09/991,539
Filed : November 21, 2001
Page : 8 of 10

Attorney's Docket No.: 19965-007001

112 of the camera and provides the digital signal processor (DSP) with digital data. The camera sensor and the imaging software can be on one chip.
(page 15, lines 13-18)

The specification also explains that:

When [higher-level language] software is compiled, the compiler separates computationally intensive calculations to be run on a digital signal processing (DSP) chip on the portable device from control functions to be run on the general purpose processor.
(page 22, lines 18-22)

It is a commonly-known technique to employ a digital signal processor as an attached processor that assists a general-purpose host microprocessor in common digital signal processing tasks such as multiplication, summing, or looping. Because the combined use of general purpose microprocessors and digital signal processing chips is well-known to those skilled in the art, and it is described in the specification as filed, the applicant contends that the enablement requirement has been satisfied and respectfully requests that the Examiner's rejection to claim 20 be withdrawn.

Claims 1, 6, 18, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamazaki, et al (US Patent Application Publication: 2003/0122804).

With regard to claim 1, Yamazaki, et al discloses an apparatus comprising a portable electronic device, i.e. mobile telephone, a digital camera, i.e., CCD camera, associated with the portable electronic device, and software configured to run on the portable electronic device and to derive handwriting, i.e., signature and/or handwriting, and control information from hand motion of a writing instrument, i.e., writing tool "Item 2, in Fig. 1, in the vicinity of the digital camera (See for example, pp. 4-5, paragraphs 0118-paragraph 0131; and Figs. 1-5)

Claim 1 has been amended. Yamazaki does not describe and would not have made obvious "deriv[ing] handwriting and control information from ... a writing instrument **separate from the apparatus**" (emphasis added). Yamazaki describes a portable telephone which tracks the motion of the **telephone itself**, including a built-in writing tip, as it is used as a writing instrument. See, e.g., pages 4-5, ¶¶ 107-109, 120-123:

As shown in FIGS. 2(a),(b), a ball-point pen 27 is attached to the tip of the antenna 2 of the mobile telephone 1 ... a user merely makes an action that resembles writing **as if the tip portion of the antenna 2 was a pen** ...
(¶¶ 0109, 0122.)

Applicant : Arkady Pittel
Serial No. : 09/991,539
Filed : November 21, 2001
Page : 9 of 10

Attorney's Docket No.: 19965-007001

10. Claims 1-4, 10-11, 14, 19-21, and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Whitham (6,526,351).

With regard to claim 1, Whitham discloses an apparatus comprising a portable electronic device, i.e. PDA, a digital camera associated with the portable electronic device, and software configured to run on the portable electronic device and to derive handwriting and control information from hand motion (this feature is inherently required because the pen/stylus has to be held by a hand and moved around the area 402 to record a handwritten data) of a writing instrument, i.e., stylus, in the vicinity of the digital camera (See for example, col. 13, lines 14-60; and Fig. 4).

Whitham does not describe and would not have made obvious "deriv[ing] handwriting and control information **from light received by the digital camera**" (emphasis added). Whitham describes the use of conventional PDAs which use digitizers to detect the physical contact of a stylus on their input area: "a stylus 403 is conventionally provided with the PDA for use on the area 402 to enter hand written symbols" (col. 13, lines 25-27). There is no indication that the camera is used for handwriting or control input, only that "that camera accessory attaches to the back of the PDA and uses the PDA's display 401 as a view finder for taking pictures ... pictures taken with the camera accessory 42 can be date and time stamped from the PDA's internal clock and, in addition, stamped with location information derived from the attached GPS receiver 41" (col. 13, lines 51-53).

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

No fees are believed due at this time. Please apply any charges or credits to deposit account 06-1050.

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Applicant : Arkady Pittel
Serial No. : 09/991,539
Filed : November 21, 2001
Page : 10 of 10

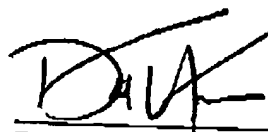
Attorney's Docket No.: 19965-007001

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Respectfully submitted,



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